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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,585	10/28/1999	THOMAS J. SHAFRON	694231/002	6107

7590

08/26/2003

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NEW YORK, NY 10039

EXAMINER

DETWILER, BRIAN J

ART UNIT	PAPER NUMBER
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2173

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DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/429,585

Applicant(s)

SHAFRON, THOMAS J.

Examiner

Brian J Detwiler

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

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### ADVISORY ACTION

Applicant's request for reconsideration has been fully considered but fails to place the application in condition for allowance.

Regarding claims 53-57, 61-63, 65-68, 77-79, 80-82, 84, and 86, Applicant submits that the Burner reference only teaches a floating toolbar in a separate window that is not a part of the browser interface. While this interpretation may be valid in light of Figure 4, Burner reveals other embodiments of the invention in column 8 that render the argument moot. Specifically, the examiner again refers to column 8: lines 5-7, which states that the invention "may be implemented as an extension of the browser or as browser "plug-in" software." Burner further explains in column 8: lines 23-37 that the invention could operate in a "secondary instance window of the conventional web browser." The examiner interprets both statements as positive indications that Burner recognized at least one possible advantage of implementing the invention **directly** into the browser interface. Otherwise, there would have been no reason to make note of these implementations in the first place.

Regarding claim 85, Applicant submits that the user toolbar is to be directed to a predetermined Internet site, not the Internet browser. The language used in the claim, however, only requires that a connection be established between the client computer and the predetermined Internet site. As explained by the examiner and acknowledged by Applicant, it is notoriously well known in the state of the art that browsers can be programmed to establish a connection to a predetermined Internet site upon activation. Therefore, it would have been obvious for the claimed downloadable file to perform such a common procedure.

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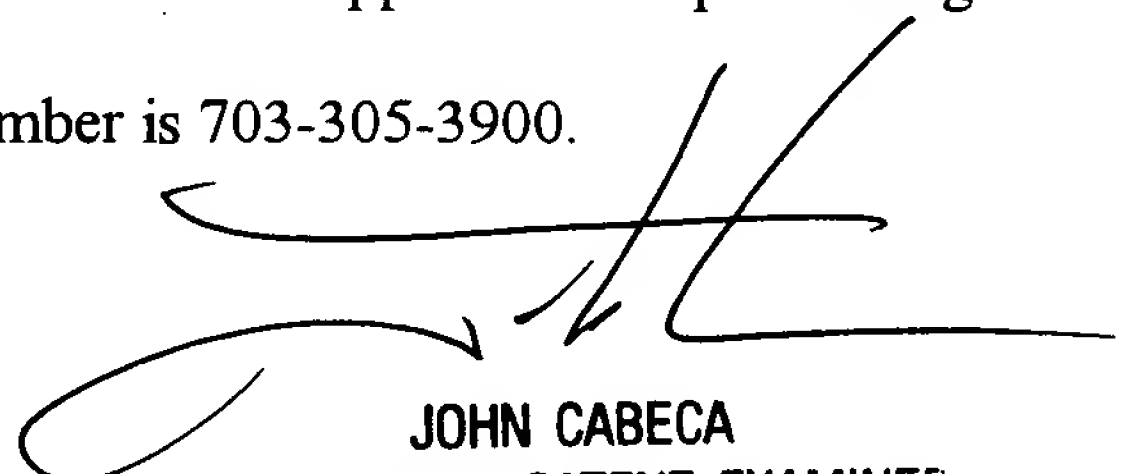
Regarding claims 58, 59, 60, and 83, Applicant submits that the Internet Explorer reference fails to disclose a search window provided as part of a user toolbar. The Microsoft Computer Dictionary defines a toolbar as: "In an application in a graphical user interface, a row, column, or block of on-screen buttons or icons. When these buttons or icons are clicked on with the mouse, macros or certain functions of the application are activated." In Figure 3.11 of the Internet Explorer reference, the search area comprises a column of buttons and icons that when clicked on, activate certain functions of the browser application. Furthermore, this area is even referred to as a "Search Browser Bar" on page 42. Even if the examiner were to concede that the reference fails to anticipate the claimed invention, the previously cited Belfiore reference teaches a search window within the Internet Explorer toolbar. The examiner made note of this in the personal interview on 17 June 2003.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

bjd  
19 August 2003



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER